

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

This Document Relates to:

IN RE ELECTRONIC BOOKS
ANTITRUST LITIGATION

No. 11-md-02293 (DLC)
ECF Case

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

PENGUIN GROUP (USA) INC., et al.,

Defendants.

Civil Action
No. 12-cv-03394

IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION

No. 11-md-02293 (DLC)
ECF Case

This Document Relates to:

ALL ACTIONS

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR APPROVAL OF PLAN FOR NOTICE**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT at a hearing date to be set by the Court, if necessary, before the Honorable Denise L. Cote, United States District Judge of the Southern District of New York, located in Courtroom 15B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl St. New York, NY 10007-1312, Plaintiff States and Class Plaintiffs will, and hereby do, move for an order approving Plaintiffs' plan for distributing notice to eligible consumers in Plaintiff States and to the certified Apple Class, respectively.

This motion is brought pursuant to 15 U.S.C. §15c(b)(1) and Federal Rules of Civil Procedure 23(c)(2)(B), and is based on this Notice of Motion and Motion; the accompanying Memorandum of Law; and the Declaration of Kathy Kinsella in support of the motion.

DATED: March 28, 2014

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Steve W. Berman
STEVE W. BERMAN (*Pro Hac Vice*)

George W. Sampson (GS-8973)
Sean R. Matt
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
george@hbsslaw.com

Jeff D. Friedman (*Pro Hac Vice*)
Shana Scarlett (*Pro Hac Vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
jefff@hbsslaw.com
shanas@hbsslaw.com

Kit A. Pierson (*Pro Hac Vice*)
Jeffrey Dubner (JD4545)
COHEN, MILSTEIN, SELLERS & TOLL, PLLC
1100 New York Avenue, N.W.
South Tower, Suite 500
Washington, D.C. 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
kpierson@cohenmilstein.com
eleven@cohenmilstein.com
jdubner@cohenmilstein.com

Douglas Richards (JR6038)
COHEN, MILSTEIN, SELLERS & TOLL, PLLC
88 Pine Street, 14th Floor
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-774
DRichards@cohenmilstein.com

Co-Lead Counsel for the Class

STATE OF NEW YORK
ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

By: /s/ Robert L. Hubbard
ROBERT L. HUBBARD

Linda J. Gargiulo
Assistant Attorney General
Antitrust Bureau
120 Broadway, 26th Floor
New York, NY 10271-0332
(212) 416-8274
robert.hubbard@ag.ny.gov
linda.gargiulo@ag.ny.gov

ATTORNEYS FOR THE STATE OF NEW YORK
LOCAL COUNSEL

STATE OF TEXAS

GREG ABBOTT, ATTORNEY GENERAL

DANIEL HODGE

First Assistant Attorney General

JOHN B. SCOTT

Deputy Attorney General for Civil Litigation

JOHN T. PRUD'HOMME

Chief, Consumer Protection Division

KIM VAN WINKLE

Section Chief, Antitrust Section

Consumer Protection Division

By /s/ Rebecca Fisher
REBECCA FISHER (*Pro Hac Vice*)

Senior Assistant Attorney General

P.O. Box 12548

Austin, Texas 78711-2548

Phone (512) 463-1265

Rebecca.Fisher@texasattorneygeneral.gov

Attorneys For The State of Texas

Liaison Counsel For Plaintiff States

STATE OF CONNECTICUT

GEORGE JEPSEN, ATTORNEY GENERAL

MICHAEL E. COLE

Chief, Antitrust Department

W. Joseph Nielsen

By /s/ Gary M. Becker
GARY M. BECKER (GB 8259)

Assistant Attorney General

55 Elm Street

Hartford, CT 06106

PH: (860) 808-5040

Gary.Becker@ct.gov

Attorneys For The State of Connecticut

Liaison Counsel For Plaintiff States

STATE OF OHIO
R. MICHAEL DEWINE,
ATTORNEY GENERAL

By /s/ Edward Olszewski
EDWARD OLSZEWSKI (*Pro Hac Vice*)

Assistant Attorney General, Antitrust Section
Office of the Ohio Attorney General
150 E. Gay St. – 23rd Floor
Columbus, OH 43215
Tel: (614) 466-4328
edward.olszewski@ohioattorneygeneral.gov

Attorneys For The State of Ohio
Liaison Counsel For Plaintiff States

ATTESTATION

Pursuant to Electronic Case Filing Rules & Instructions Section 8.5(b), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatories above.

/s/ Steve W. Berman
STEVE W. BERMAN (*Pro Hac Vice*)

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2014, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ Steve W. Berman
STEVE W. BERMAN